

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Revised 07/07 WDNY

Lucretia ScottJury Trial Demanded: Yes ___ No ☒

Name(s) of Plaintiff or Plaintiffs

General Motors Components
Holdings LLC
Labor Relations Department

Name of Defendant or Defendants

DISCRIMINATION COMPLAINT22 -CV- 6280 DGL

You should attach a copy of your **original Equal Employment Opportunity Commission (EEOC) complaint**, a copy of the Equal Employment Opportunity Commission **decision**, AND a copy of the **"Right to Sue"** letter you received from the EEOC to this complaint. Failure to do so may delay your case.

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub.L.No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub.L.No. 99-592, the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you **must first file charges** with the Equal Employment Opportunity Commission.

☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (amended by the Civil Rights Act of 1991, Pub.L.No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you **must first obtain a right to sue letter** from the Equal Employment Opportunity Commission.

JURISDICTION is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166, and any related claims under New York law.

In addition to the federal claims indicated above, you may wish to include New York State claims, pursuant to 28 U.S.C. § 1367(a).

✓
New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

PARTIES

1. My address is: 44 Grape Street, Rochester NY 14608

My telephone number is: 1585-967-8755

2. The name of the employer(s), labor organization, employment agency, apprenticeship committee, state or local government agency who I believe discriminated against me is/are as follows:

Name: General Motors Components Holdings LLC, Labor Relation Department

Number of employees: 3

Address: 1000 Lexington Avenue Rochester NY 14617

3. (If different than the above), the name and/or the address of the defendant with whom I sought employment, was employed by, received my paycheck from or whom I believed also controlled the terms and conditions under which I were paid or worked. (For example, you worked for a subsidiary of a larger company and that larger company set personnel policies and issued you your paycheck).

Name: _____

Address: _____

CLAIMS

4. I was first employed by the defendant on (date): 7-24-2006

5. As nearly as possible, the date when the first alleged discriminatory act occurred is: February 2021
6. As nearly as possible, the date(s) when subsequent acts of discrimination occurred (if any did): July 2021 thru February 2022
7. I believe that the defendant(s)
- a. Are still committing these acts against me.
- b. ✓ Are not still committing these acts against me.
- (Complete this next item **only** if you checked "b" above) The last discriminatory act against me occurred on (date) February 23, 2022
8. (Complete this section **only** if you filed a complaint with the New York State Division of Human Rights)
- The date when I filed a complaint with the New York State Division of Human Rights is May 18, 2022
- (estimate the date, if necessary)
- I filed that complaint in (identify the city and state): Rochester New York
- The Complaint Number was: _____
9. The New York State Human Rights Commission did _____ /did not ✓ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
10. The date (if necessary, estimate the date as accurately as possible) I filed charges with the Equal Employment Opportunity Commission (EEOC) regarding defendant's alleged discriminatory conduct is: 11-2-2021
11. The Equal Employment Opportunity Commission did ✓ /did not _____ issue a decision. (NOTE: If it **did** issue a decision, you **must attach** one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)
12. The Equal Employment Opportunity Commission issued the attached Notice of Right to Sue letter which I received on: 3-28-2022. (NOTE: If it

did issue a Right to Sue letter, you **must** attach one copy of the decision to **each** copy of the complaint; failure to do so will delay the initiation of your case.)

13. I am complaining in this action of the following types of actions by the defendants:

- a. _____ Failure to provide me with reasonable accommodations to the application process
- b. _____ Failure to employ me
- c. _____ Termination of my employment
- d. _____ Failure to promote me
- e. ☒ Failure to provide me with reasonable accommodations so I can perform the essential functions of my job
- f. _____ Harassment on the basis of my sex
- g. ☒ Harassment on the basis of unequal terms and conditions of my employment
- h. ☒ Retaliation because I complained about discrimination or harassment directed toward me
- i. ☒ Retaliation because I complained about discrimination or harassment directed toward others
- j. ☒ Other actions (please describe) Discriminated my disability
(not acknowledging that I have a disability.)

14. Defendant's conduct is discriminatory with respect to which of the following (*check all that apply*):

- a. _____ Race
- b. _____ Color
- c. _____ Sex
- d. _____ Religion
- e. _____ National Origin
- f. _____ Sexual Harassment
- g. _____ Age _____ Date of birth
- h. ☒ Disability
Are you incorrectly perceived as being disabled by your employer?
☒ yes ☐ no

15. I believe that I was ☒/was not _____ **intentionally** discriminated against by the defendant(s).

16. I believe that the defendant(s) is/are _____ is not/are not ☒ still committing these acts against me. (If you answer is that the acts are not still being committed, state when: _____ and why the defendant(s) stopped committing these acts against you: _____)

17. A copy of the charge to the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of my claim. (NOTE: You must attach a copy of the original complaint you filed with the Equal Employment Opportunity Commission and a copy of the Equal Employment Opportunity Commission affidavit to this complaint; failure to do so will delay initiation of your case.)

18. The Equal Employment Opportunity Commission (check one):

☐ has not issued a Right to sue letter

☒ has issued a Right to sue letter, which I received on 3-28-2022

19. State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On January 2021 my doctors reinstated paperwork for me to return to work
 2-2022 doctor at General Motors declined for me to return (false restriction)
 3-2022 grievance written for me to return
 6-15-2022 returned to work working on machines that conflicted with restrictions
 9-27-2022 grievance written for harassment and falsifying documents by Labor Relations Department.
 1-22 doctor removed my restrictions from my medical file
 2-23-22 injured at work and now out of work.

FOR LITIGANTS ALLEGING AGE DISCRIMINATION

20. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct
☒ 60 days or more have elapsed ☐ less than 60 days have elapsed

FOR LITIGANTS ALLEGING AN AMERICANS WITH DISABILITIES ACT CLAIM

21. I first disclosed my disability to my employer (or my employer first became aware of my disability on 11-2019)

22. The date on which I first asked my employer for reasonable accommodation of my disability is June 2021
23. The reasonable accommodations for my disability (if any) that my employer provided to me are: none
24. The reasonable accommodation provided to me by my employer were ____/were not ☒ effective.

WHEREFORE, I respectfully request this Court to grant me such relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

Dated: 6-23-22

Lucretia. Scott

Plaintiff's Signature



The NYS Division of Human... May 18



to CreMarie406 ✓

Dear Lucretia,

Your submission has been received by the NYS Division of Human Rights. You will receive further communication from DHR, via mail or email, detailing next steps within 45 days. Please collect any documents, emails, records, or evidence relevant to your complaint and be ready to provide them to our investigators at that time.

If you have further questions about the complaint process, please feel free to email us:

info@dhr.ny.gov

Thank you for your time,

The NYS Division of Human Rights

dhr.ny.gov

888-392-3644

First Name

Lucretia

Middle Initial

M

Last Name

Scott

Street Address

44 Grape Street

City

Rochester

State

NY

Zip

14608

Are you completing this form for someone else?

No

Your complaint

Jurisdiction

Employment

Employment

Please specify where the discrimination occurred

by a Labor Organization

Are you currently working for the employer you are filing against?

No

Date of hire

07/24/2006

Last day of work

02/23/2022

Position held or applied for

Production Worker

For employment and internships, how many employees does this person/company have?

20 or more

Acts of alleged discrimination: What did the person/company you are complaining against do? Check all that apply

Gave me a disciplinary notice or negative performance review
Denied my request for an accommodation for my disability, or pregnancy-related condition
Harassed or intimidated me on any basis indicated here

Basis

Basis of alleged discrimination in employment:

Disability (a physical or mental condition; includes denial of reasonable accommodation)

Retaliation (if you filed a discrimination case before, were a witness or helped someone else with a discrimination case, or opposed or reported discrimination due to category listed on this page)

Please specify disability:

Complex Regional Pain Syndrome

You are filing a complaint against

Entity that discriminated against you:

Name of entity

General Motors Components Holdings LLC

Street Address

1000 Lexington Avenue

City

Rochester

State

New York

Zip

14608

In what county or borough did the violation take place?

Monroe

Phone Number

1-585-647-7000

Email address

Fax Number

Company Website

Please provide the name, last name, and title of individual people who discriminated against you.

Labor Relations Department

Date of the most recent act of alleged discrimination

02/23/2022

Description of discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and other details. You must explain why you think these acts were discriminatory and how these acts are connected to the protected class (race, color, sex, disability, etc.) you selected previously.

Disability Discrimination

Linda Clark on 1-7-2021 denied me to come back to work. Put restriction on me saying that I couldn't be around oil on the floor. She is a medical practitioner for General Motors.

Declaration

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

Please initial:

LS

I affirm under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Lucretia Scott

Issued On: 03/28/2022

To: Ms. Lucretia Scott
44 Grape Street
Rochester, NY 14608

Charge No: 525-2022-00233

EEOC Representative and email: Nelida Sanchez
Senior Investigator
nelida.sanchez@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 525-2022-00233.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Buffalo Local Office
300 Pearl St., Suite 450
Buffalo, New York, 14202
(716) 431-5007
Website: www.eeoc.gov

Lucretia Scott
44 Grape St.
Rochester, NY 14608

Re: EEOC Charge No.: 525-2022-00233
Lucretia Scott v. General Motors

Dear Ms. Scott:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have evaluated your charge based upon the information provided. You alleged that you were discriminated against because of your disability.

Respondent's position statement has been previously shared with you. You were informed of reasons why the EEOC was inclined to dismiss your case. Nevertheless, you were provided with a copy of Respondent's position and asked to provide a rebuttal and any documents that may support your allegations. You were also granted additional time to produce a response. No rebuttal was received, but additional information regarding your disability was received. All the information that you uploaded in the Portal has been reviewed and analyzed. Based upon this analysis the Commission is unable to conclude that the information establishes a violation of Federal Law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost. Please contact Federal Investigator Nelly Sanchez at (716) 431-5017 if you have any questions.

Sincerely,

Maureen C. Kielt

Digitally signed by Maureen C.
Kielt
Date: 2022.03.28 15:57:38 -04'00'

Maureen C. Kielt,
Director Buffalo Local
Office

44 Grape street

Rochester NY 14608

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name General Motor Components Holding LLC	No. Employees, Members	Phone No. (Incl. Area Code) (585) 546-1000
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Street Address 1000 Lexington Avenue	City, State and ZIP Code Rochester NY 14606
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Name	No. Employees, Members	Phone No. (Incl. Area Code)
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Street Address	City, State and ZIP Code
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DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)	DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <input type="checkbox"/> CONTINUING ACTION
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

On September 29, 2021 Labor Relations called me to there office to write me up with a Doc. 8. It stems from labor relations losing my vacation paperwork. The next day I called my union representative to write a grievance. The representative wrote up 2 grievances. If you written document in Please send a email.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

11/02/2021

Date

Charging Party Signature

NOTARY - When necessary for State or Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (10/17)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA

☐ EEOC

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))